

ONE MANHATTAN WEST  
45TH FLOOR  
NEW YORK, NY 10001

(212) 73

EMAIL ADDRESS  
MIKAL.DAVIS-WEST@PROBONOLAW.COM

Application granted. The unredacted version of the transcript will be docketed under seal (Doc. 181, 187) and the redacted version will remain the publicly-filed version (Doc. 186 at p. 5-21).

July 20 SO ORDERED.



Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
July 31, 2023

**BY ECF**

Honorable Philip M. Halpern  
United States District Court for the  
Southern District of New York  
300 Quarropas Street, Room 520  
White Plains, NY 10601

RE: Keesh v. Franco, No. 19-CV-08942 (PMH)

Dear Judge Halpern:

Pursuant to Rule 5(B) of Your Honor's Individual Practices in Civil Cases, we write on behalf of Plaintiff Tyheem Keesh to request that the Court issue an order requiring that the following information be redacted prior to the Transcript of the Pretrial Conference held on June 29, 2023, at 10:00 a.m. (the "Transcript") being made remotely electronically available:

Page and Line Range	Redaction Requested
Page 3, Lines 6 to 7	All words between "when" and the end of the sentence.
Page 3, Lines 10 to 11	All words between "how long" and "is to."
Page 3, Line 15	All words between "acquaintance with" and "so I."
Page 3, Line 16	The word between "what the" and "is, and."
Page 3, Lines 16 to 18	All words between "so it's not" and "but that said."
Page 3, Line 19	All words between "with how" and the end of the sentence.
Page 3, Line 21	All words between "be before" and "come to."
Page 3, Line 24	All words between "he was" and "within."
Page 3, Line 25 to Page 4, Line 1	All words between "having the" and "at that time."
Page 4, Line 3	All words between "he'll be" and "other than."
Page 4, Lines 4 to 5	All words between "in the" and "I'm interested."
Page 4, Lines 5 to 6	All words between "in the" and "I would."
Page 4, Line 7	All words between "be in" and "and to."

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The basis for the letter-motion is Mr. Keesh’s medical treatment—a topic that the Court has recognized should be treated with caution. (*See* Halpern Individual Practices in Civil Cases 5(A)). Defendant does not oppose this request.

Although a general presumption exists in favor of public access to judicial documents, *see Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (citation omitted), a plaintiff “maintains significant privacy rights in [his] medical information.” *Jin v. Choi*, No. 1:20-cv-09129 (MKV) (SDA), 2021 WL 3159808, at \*1 (S.D.N.Y. Jun. 17, 2021) (citation omitted); *see also Robinson v. De Niro*, No. 19-CV-9156 (LJL) (KHP), 2022 WL 2712827, at \*2 (S.D.N.Y. July 13, 2022) (an individual’s significant privacy interest in his medical information “provides a compelling countervailing interest in favor of sealing”).

Accordingly, courts in this Circuit regularly grant applications to seal personal medical information. *See, e.g., Robinson*, 2022 WL 274677, at \*4 (finding “good cause to seal . . . portions of the deposition transcript to the extent the deposition discusses medical-related issues”); *see also, e.g., Valentini v. Grp. Health Inc.*, No. 20-CV-9526 (JPC), 2020 WL 7646892, at \*2 (S.D.N.Y. Dec. 23, 2020) (courts “regularly seal” medical records); *United States v. Wexler*, No. 02 Cr. 122 (JGK) 2010 WL 23290, at \*1 (S.D.N.Y. Jan. 5, 2010) (*sua sponte* sealing letter filed by incarcerated defendant “because it include[d] confidential medical information”). This is particularly true where, as here, the information to be redacted is not relevant to the claims or defenses at issue. *See, e.g., Braxton v. City of New York*, No. 17 Civ. 199 (GBD) (SDA), 2021 WL 7287625, at \*6-7 (S.D.N.Y. Dec. 7, 2021), *report and recommendation adopted*, 2022 WL 443816 (S.D.N.Y. Feb. 14, 2022).

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Thus, because the proposed redactions would protect from disclosure sensitive medical information that has no bearing on the claims or defenses in this case, we respectfully request that the Court issue an order requiring that the above-listed information be redacted prior to the Transcript being made remotely electronically available. A proposed redacted version of the Transcript is attached hereto as Exhibit A. Pursuant to Rule 5(B) of Your Honor's Individual Practices in Civil Cases and Section 6.5(a) of the Southern District of New York's Electronic Case Filing Rules & Instructions, we will file an unredacted copy of the Transcript under seal with a "Selected Parties" Viewing Level.

Respectfully submitted,

/s/ Mikal Davis-West

Mikal Davis-West

cc: All counsel of record (via ECF)